

GOVERNMENT OF TELANGANA  
ABSTRACT

Tribal Welfare Department – Telangana State – Erstwhile Warangal District – Issue of Local Scheduled Tribe Agency Area Certificates – Cancellation of Local Scheduled Tribe Agency Area Certificates by the Collector & District Magistrate, Warangal vide Proc.No.C5/2499/2013 dated 01.07.2013 - Appeal filed by Bhukya Eerya S/o Phoolya R/o.Rajupeta (V), Narsampeta (M), Warangal District - Appeal Allowed – Orders – Issued.

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TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 9

Dated: 17-05-2023.

Read the following:-

1. Proceedings No.C5/2499/2013, dated 01.07.2013 O/o. the Collector & District Magistrate, Warangal.
2. Appeal petition filed by Bhukya Eerya S/o Phoolya R/o.Rajupeta (V), Narsampeta (M), Warangal District dated 19.08.2022.
3. Govt. Memo.No.1273/TW.LTR/2022-1, dated 30.09.2022.
4. Notice Appeal No.1273/TW.LTR/2022-2, dated 30.09.2022.
5. From the Project Officer, ITDA, Eturnagaram, Mulugu District, letter Rc.No.R3/284/DLSC/2022, dated 06.12.2022.

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ORDER:-

In the reference 1<sup>st</sup> read above, the Collector & District Magistrate, Warangal had cancelled the Local Scheduled Tribe Agency Area Certificate No.F/152/2008, dated 17.04.2008 of Sri Bhukya Eerya S/o.Phoolya R/o.Rajupeta village of Narsampeta (M), erstwhile Warangal District issued by the Tahsildar, Narsampeta, for the following reasons:

- On verification of Local ST candidate certificate, the Revenue Divisional Officer, Narsampeta vide Lr.No.B/E/582/2012, dt. .01.2013 had reported that as per the report submitted by the Tahsildar, Narsampet, the applicant had submitted pahani extract for the year 1959-60 of Rajupet village as proof of residence of his forefathers/parents on or before 26.01.1950 but did not give specific opinion on the genuineness of the certificate.
- Project Officer, ITDA Eturnagaram in his report Lr.No.ITDA/1219/2012, dt.15.03.2013 had requested to cancel the Local ST candidate certificate issued to Sri Bhukya Eerya by Tahsildar, Narsampet vide F/152/2008, dated 17.04.2008.
- Individual attended before the DLSC on 04.05.2013 and submitted his explanation along with copies of certain documents in support of his claim of local ST candidate.
- According to GO Ms.No.3, SW (TW.Edn.II) Dept. dt.10.01.2000 "the local ST candidates means the candidates belonging to the Scheduled Tribes notified as such under Article 342 of the Constitution of India and the candidates themselves or their parents have been continuously residing in the Scheduled Areas of the Districts in which they residents till to date since 26.01.1950".
- In the instant case, the applicant had furnished pahani extract of Rajupet pertaining to the year 1959-60 which itself reflects that his forefathers were not residents since 1950. The applicant failed to produce any evidence to prove continuous presence of themselves or their parents as stated above, hence the Local ST candidate certificate No.F/152/2008, dated 17.04.2008 issued to Sri Bhukya Eerya S/o Poolya R/o Rajupeta Village, Narsampeta Mandal was cancelled.

2. Aggrieved by the above cancellation orders of the Collector & District Magistrate, Warangal District, the Appellant Sri Bhukya Eerya S/o.Phoolya

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R/o.Rajupeta village of Narsampeta (M), Warangal (Rural) District District has filed an Appeal under GO.Ms.No.24, dated 12.6.2018 in the reference 2<sup>nd</sup> read above, before the Government with the following grounds:

- He belongs to ST Lambada community and native of Rajupeta village of Narsampeta Mandal in the erstwhile and present Warangal District which is a notified scheduled village as per Presidential Order, 1950. Therefore, the Tahsildar, Narsampeta after causing discrete enquiries about his local ST status had issued the Agency Area Certificate bearing No.F/152/2008, dt.17.04.2008.
- He has been provisionally selected for the post of SGT in the District Selection Committee 2012 vide Hall Ticket No.12110101249 and also opted for posting to Ashram Primary School, Madaguda under Ashram High School, Madaga.
- In spite of submitting all relevant documentary evidences like land records etc. in support of his claim that he belongs to the Agency Area Local ST candidature, the Collector & District Magistrate, Warangal had issued orders in Procs.No.C5/2499/2013, dated 01.07.2013 cancelling his Local ST certificate bearing No.F/152/2008, dated 17.04.2008 issued by the Tahsildar, Narsampeta, for the reason that he failed to produce evidence of continuous residence since 26.1.1950 as required under GO Ms.No.3, SW (TW.Edn.II) Department dated 10.01.2000.
- He submitted that he is a poor educated unemployed physically disabled ST person with 68% of disability as per the certificate issued by the Medical Board, Mahatma Gandhi Memorial Hospital, Warangal bearing ID No.21266300130115015, date of issue: 10.11.2011.

3. Along with the appeal the Appellant Sri Bhukya Eerrya S/o.Phoolya has submitted the following documentary evidences in proof of his claim that he belongs to the local ST category of the Agency Area of Warangal District:

- i) Family tree certified by the Sarpanch, GP Mutyalammathanda and the Village Revenue Officer.
- ii) KhasraPahani 1954-55 – Rajupeta village – an extent of acs.0.24 gts was recorded in the name of his grandfather Sakram.
- iii) Pahani 1959-60 – Rajupeta village – recorded name of his grandmother Rambhai.
- iv) Pahani 1970-71 – Rajupeta village – recorded name of Bhukya Chandru (paternal uncle) in Sy.No.70.
- v) Pahani 1980-81 – Rajupeta village – recorded name of Bhukya Chandru (paternal uncle) in Sy.No.117/1 for an extent of acs.1.30 gts.
- vi) Pahani 1987-88 – Rajupeta village – recorded names of Bhukya Bheemla and Bhukya Chandru (paternal uncles) @ 1.00 acre each in Sy.No.117/1/329. Similarly, his father Bhukya Phoolya was also recorded for an extent of acs.2.00 in Sy.No.117/1/332.

4. The Appellant Sri Bhukya Eerrya S/o.Phoolya has stated that his cousin sister Mahadevi i.e. daughter of Bhukya Chandru (elder paternal uncle) was selected to the post of LANGUAGE PANDIT (HINDI) under Agency Area Local ST candidature and was given appointment orders by the District Educational Officer & Secretary, TRT 2017 vide Procs.Rc.No.5492/B1/TRT-LP HINDI/2021, dt.29.03.2022, posted at ZPHS Rajupet, Mangapet Mandal of Mulugu District.

5. In the reference 3<sup>rd</sup> read above, the Collector & District Magistrate, Warangal and the Project Officer, Eturunagaram has been requested to submit connected records documents pertaining to the case along with para-wise remarks.

6. In the reference 4<sup>th</sup> read above, a Notice has been sent to the Appellant to attend for hearing on 22.10.2022 at 3.00 PM before the Government to prove his

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claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 22.10.2022 and submitted the following additional documents;

- i) Mutyalamma thanda PESA Gram Sabha Resolution dated 2.10.2022 wherein the Gram Sabha after causing enquiry has resolved that Sri Bhukya Sakram i.e. grandfather of appellant and his family members have been continuously living in Rajupeta village (Mutyalamma thanda) from before the year 1950.
- ii) Gram Panchayat Mutyalammathanda Resolution dated 2.10.2022 has resolved that Sri Bhukya Sakram i.e. grandfather of appellant and his family members have been continuously living in Mutyalamma thanda village under Rajupeta Revenue village from before the year 1950.
- iii) Copy of letter Rc.No.DTDO/512/2022, dt.18.01.2022 of Project Officer, ITDA Eturunagaram addressed to the District Collector, Warangal, wherein the Local Scheduled Area Certificate of Bhukya Mahadevi D/o Chandru (cousin sister to Appellant and daughter of paternal uncle) R/o Mutyalamma thanda H/o Rajupeta village selected to the post of TRT (T/M) – LP Hindi was declared genuine.
- iv) Copy of check list in respect of Bhukya Mahadevi D/o Chandru (cousin sister to Appellant and daughter of paternal uncle) wherein the Committee consisting of RDO Narsampet, DTDO Warangal, Officer from TCR&TI, Hyderabad and headed by the Project Officer, ITDA Eturunagaram has treated her case of Agency Area Local ST status as genuine basing on the same Khasra Pahani of 1954-55 etc.
- v) Copy of letter Rc.No.C3/1097/2021, dated 29.01.2022 of Collector & District Magistrate, Warangal addressed to the District Educational Officer, Hanumakonda wherein findings of the DLSC headed by the Project Officer, ITDA Eturunagarm convened on 8.12.2021 were communicated in respect of Bhukya Mahadevi D/o Chandru (cousin sister to Appellant and daughter of paternal uncle) and 3 others – and requested to take further necessary action.
- vi) Copy of letter Rc.No.5492/B1/TRT/2019, dated 01.02.2022 of District Educational Officer, Hanumakonda District addressed to the Director, School Education, Hyderabad wherein names of Bhukya Mahadevi (cousin sister of Appellant and daughter of paternal uncle) along with another candidate Daravath Surender selected to the posts of LP HINDI (T/M) and SGT (E/M) have been submitted confirming their Agency Area Local Certificates as genuine and requested to take further necessary action.
- vii) Pahani 1998-99 – Rajupeta village – ac.1.30 gts recorded in the name of Bhukya Dharmi W/o Chandru (paternal aunt) in Sy.No.117/1/308.
- viii) Pahani 2001-02 – Rajupeta village – ac.1.30 gts recorded in the name of Bhukya Dharmi W/o Chandru (paternal aunt) in Sy.No.117/1/308.
- ix) Pahani 2010-11 – Rajupeta village – ac.1.20 gts recorded in the name of Bhukya Dharmi W/o Chandru (paternal aunt) in Sy.No.117/1/308.
- x) Pattedar Pass Book bearing Pass Book No.T22080130171 (Khata No.60060) showing land holding details of ac.1.01 gts in Sy.No.70/1 situated in Rajupeta revenue village, Narsampeta Mandal.

7. The Appellant Sri Bhukya Eerrya S/o.Phoolya contended that all the above documents amply prove that he and his parents/forefathers have been continuously residing in Mutyalamma thanda village in Rajupeta revenue village in Narsampeta Mandal from before the year 1950, but the District Collector, Warangal and Project Officer, ITDA Eturunagaram did not consider his case while on the other hand considered the case of his cousin sister Bhukya Mahadevi i.e. daughter of Chandru, paternal uncle as Agency Area Local ST of Mutyalamma thanda, Rajupeta village

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who was selected for the post Language Pandit (Hindi-TM) basing on the same documents i.e. Khasra 1954-55 before the DLSC. Therefore, the Appellant prayed the Government to allow his Appeal in the interests of justice.

8. In the reference 5<sup>th</sup> read above, the Project Officer, ITDA, Eturnagaram, Warangal District has submitted the original case record of District Collector, Warangal in respect of Appellant Sri Bhukya Eerrya S/o.Phoolya.

9. Upon perusal of the documentary evidences produced by the Appellant Sri Bhukya Eerrya S/o.Phoolya R/o.Rajupeta village of Narsampeta (M), earstwhile Warangal District along with his Appeal and during hearing on 22.10.2022 and evidences available on record, it is found that the Appellant Sri Bhukya Eerya S/o Phoolya R/o Mutyalamma thanda under Rajupeta Revenue village in Narsampeta Mandal of the present and erstwhile Warangal District is found Agency Area Local ST of Rajupeta agency village.

10. Government after careful examination of the matter, hereby allow the Appeal filed by Sri Bhukya Eerya S/o.Phoolya R/o.Rajupeta village of Narsampeta (M), Warangal District treating his Agency Area Local ST Certificate bearing No.F/152/2008, dated 17.04.2008 issued by the Tahsildar, Narsampeta Mandal as genuine and valid duly setting aside orders of the Collector & District Magistrate, erstwhile Warangal in the procs.No.C5/2499/2013, dated 01.07.2013.

11. The Collector and District Magistrate, Warangal District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CONGTHU,  
SECRETARY TO GOVERNMENT.

To

The Collector and District Magistrate, Warangal District (By RPAD)  
Sri Bhukya Eerrya S/o.Phoolya R/o.Rajupeta village of Narsampeta (M),  
Warangal District (By RPAD)

Copy to:-

The Secretary, Telangana State Public Service Commission,  
Hyderabad (for information & necessary action)

The Project Officer, ITDA, Eturnagaram, Mulugu District (By RPAD)  
(for information & necessary action)

The District Educational Officer, Warangal. (By RPAD).  
(for information & necessary action)

The District Tribal Development Officer (TW) Warangal District (By RPAD)  
(for information & necessary action)

The Tahsildar, Narsampeta Mandal, Warangal District (By RPAD)

The P.S. to Hon'ble Minister for ST Welfare.

The PA to Secretary (TW).

The PA to Special Secretary (TW).

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//FORWARDED::BY ORDER//

SECTION OFFICER.